

Before the
Federal Communications Commission
Washington, D.C. 20554

FCC 03M-39

SEP 17 12 42 PM '03
02590

In the Matter of

EB Docket No. 03-152

WILLIAM L. ZAWILA

Facility ID No. 72672

Permittee of FM Station KNKS,
Coalinga, California

Et al.

ORDER

Issued: September 10, 2003

Released: September 12, 2003

This will confirm certain rulings made during the course of the September 9, 2003, prehearing conference in this proceeding. The reasons for the rulings were stated on the record and are incorporated by reference.

William L. Zawila, Avenal Educational Services, Inc., Central Valley Educational Services, Inc., H. L. Charles d/b/a Ford City Broadcasting, Linda Ware d/b/a Lindsay Broadcasting, and Western Pacific Broadcasting, Inc. (collectively "Zawila *et al.*"), have elected to pursue sales of their stations and permits pursuant to the Commission's minority distress sale policy. This policy permits a licensee whose license has been designated for revocation hearing, or whose renewal application has been designated for hearing on basic qualifications issues, to assign its license prior to commencement of the hearing to a minority controlled entity. *Statement of Policy on Minority Ownership of Broadcasting Facilities*, 68 FCC 2d 979 (1978); *Clarification of Distress Sale Policy*, 44 RR 2d 479 (1978). In order to allow Zawila *et al.* sufficient time to permit the arrangement of appropriate sales, this proceeding was stayed, with the exceptions noted below, until February 9, 2004. It is expected that, on or before that date, Zawila *et al.* will file applications under Section 73.3540 of the Commission's Rules, and a motion for relief by distress sale. Zawila *et al.* was also required to file detailed reports as to the status of the proposed distress sales on or before November 10, 2003, January 9, 2004, and February 9, 2004.

On September 4, 2003, the Enforcement Bureau filed separate Request(s) for Admission of Facts addressed to William L. Zawila, Avenal Educational Services, Inc., Central Valley Educational Services, Inc., H. L. Charles d/b/a Ford City Broadcasting, and Linda Ware d/b/a Lindsay Broadcasting. At the prehearing conference, counsel for the Enforcement Bureau stated that a Request for Admission of Facts addressed to Western Pacific Broadcasting, Inc., would be filed shortly. The stay does *not* apply to the filing of responses to these Request(s) for Admission of Facts. Further, during the duration of the stay, any of the parties may serve discovery requests on any other party, and motions for summary decision may be filed. However, responses to those pleadings need not be filed until February 23, 2004.

In addition, the following procedural schedule was established:

November 10, 2003,
January 9, 2004,
February 9, 2004

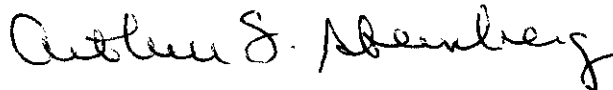
Reports shall be filed by Zawila *et al.* as to the status of the proposed distress sales of the stations involved in this proceeding.

February 9, 2004	Expiration of the stay (unless a motion for relief by distress sale has been filed).
February 23, 2004	Responses shall be filed to any outstanding discovery requests and motions for summary decision.
April 12, 2004	Completion of all discovery. ¹
May 3, 2004	Exchange of direct case exhibits, stipulations, and a list of witnesses, if any, to be called for oral testimony. ²
May 10, 2004	Notification of witnesses desired for cross-examination. ³
May 17, 2004	Commencement of the hearing at 9:00 a.m. in the Commission's Washington, D.C., offices. ⁴

Finally, the unopposed Motion for Extension of Time, filed by Zawila *et al.* on September 8, 2003, was granted, and the time within which the parties may respond to a Petition for Leave to Intervene, filed on August 27, 2003, by Richard B. Smith, was extended to and including September 10, 2003.

SO ORDERED.

FEDERAL COMMUNICATIONS COMMISSION



Arthur I. Steinberg
Administrative Law Judge

¹ Courtesy copies of all discovery requests and responses (including letters) shall be served on the Presiding Judge. However, documents produced pursuant to requests for the production of documents should not be provided.

² All exhibits and witness lists must be received by all parties and the Presiding Judge not later than this date. The exhibits should be serially numbered, separately paginated, and assembled in a binder with a tab on each document. A prefix should be used to indicate the party sponsoring the exhibit (e.g., Zawila Ex. 1; EB Ex. 1). If official notice is requested of any materials, they should be assembled in written form, properly identified by source, given an exhibit number, and exchanged on the date set. An index containing a descriptive title of each exhibit, the number of pages contained in each exhibit, and the identification of the sponsoring witness(es) of each exhibit should be included.

³ Such notification may be made by telephone, facsimile, or e-mail. If oral notification is given, it must be confirmed in writing.

⁴ A procedural schedule for rebuttal, if any, will be established at the conclusion of the direct case.